

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

ERIC L. JEFFRIES, ) CASE NO. C-1-02-351  
: Plaintiff, )  
: ) JUDGE BECKWITH  
v. ) : MAGISTRATE JUDGE HOGAN  
: )  
CENTRE LIFE INSURANCE CO., et. al.,) )  
: Defendants. )

AFFIDAVIT OF  
EUGENE M. VINYARD

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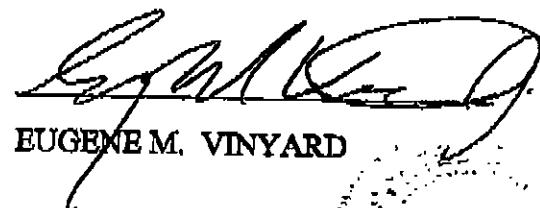
EUGENE M. VINYARD, being duly sworn, deposes and says:

1. I am the Senior Network Administrator for Disability Management Services, Inc. ("DMS").
2. There are an estimated 20 "backup" tapes for each DMS location (Springfield, Boston, Syracuse) for a total of 60 tapes.
3. "Backup" tapes are stored off site for disaster recovery purposes. Since the tapes are kept for this purpose, it is anticipated that they would have to be accessed only in the rare event of a full scale catastrophe which resulted in irretrievable loss of on site data.
4. These "backup" tapes represent the entirety of DMS' disaster recovery information.
5. Since we will not turn over the actual original tapes, they will need to be duplicated. To the best of my knowledge, there is no hardware or software that would allow the

- direct transfer of data in this compressed form to another tape.
6. In order to put this data in a searchable format it must first be decompressed from its current backed-up state on the Digital Linear Tape (DLT) tape. This accomplished using Computer Associates' ArcServe software. This software is designed to restore to a server the exact files that were present on the server when it was backed up. This means files in the format that is usable by the applications that use the files. The data once restored to a server, is still not yet in a searchable format.
  7. The data restored would then need to go onto a server that runs the Microsoft Exchange mail software involved and then the data must be searched using Microsoft Outlook client software. This process can search only one email box at a time.
  8. Even if the backup tapes could be simply copied in their current format, the data on those tapes must be restored onto a server using ArcServe software and into an Exchange environment to perform the review.
  9. After a restoration has been completed, in order to perform a search of email boxes for particular words or characters, each email box must be searched separately, due to the nature of the database files designed by Microsoft. The Microsoft software itself is designed to ensure mailbox privacy and security. This means that we will have to go through all of the built-in safeguards to the email boxes.
  10. The process requires the transitions of the data from its current stored format to a usable form. There are several layers to this process, it is not unlike asking to search a library that has been written in Braille and then stored in an equivalent form of tactile storage such as Braille. To search the script for a particular word, first the Braille (or equivalent) will need to be transcribed into the Chinese characters, then the Chinese characters will need to be translated into English. Then the search would involve finding the desired information within the translated volumes of that

library.

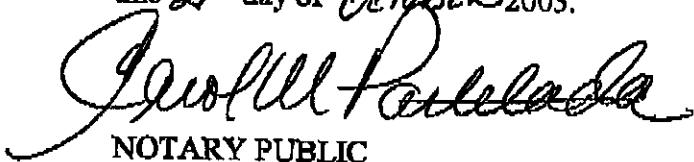
11. This process of formatting the tapes from their current state to a searchable format and the costs involved are outlined in Peter Cinq Mars' prior affidavit.
12. The outside firm cannot perform this task, since to do so would require full unfettered access to the original tapes.



EUGENE M. VINYARD

Sworn to and subscribed before me

this 2<sup>nd</sup> day of OCTOBER 2003.



CAROL M. PORTELADA  
NOTARY PUBLIC



CAROL M. PORTELADA  
Notary Public  
My Commission Expires January 21, 2005.